

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Incentive Auction Task Force and Media Bureau)	MB Docket No. 16-306
Seek Comment on Post-Incentive Auction)	
Transition Scheduling Plan)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	

COMMENTS OF
AMERICAN TOWER CORPORATION

American Tower Corporation submits these initial comments in response to the Federal Communications Commission (“Commission”) Incentive Auction Task Force (“Task Force”) and Media Bureau’s (“Bureau”) request for comment on the post-Incentive Auction Transition Scheduling Plan.¹ American Tower is a leading independent owner, operator, and developer of wireless and broadcast communications real estate, including wireless towers, broadcast towers, and Distributed Antenna System (“DAS”) networks. American Tower’s primary business is leasing antenna space on multiple-tenant communications sites to wireless service providers, radio and television broadcast companies, wireless data providers, government agencies, and municipalities and tenants in a number of other industries. In addition to the communications sites in our portfolio, American Tower manages rooftop and communications sites for property owners. Our tower portfolio consists of approximately 40,000 towers in the U.S., both those that we own and those that we operate pursuant to long-term lease arrangements. American Tower also offers a range of site-related services domestically, including site acquisition, zoning and

¹ *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306, Public Notice (MB rel. Sep. 30, 2016).

permitting services, and structural analysis services. Many of the towers that American Tower owns or manages will be affected when TV stations are repacked following the Incentive Auction.

American Tower is grateful for the opportunity to comment on the proposed Transition Plan and commends the Commission for its hard work, its willingness to deal with the multitude of issues involved in potentially repacking well over 1,000 television stations after the Incentive Auction, and the overall high quality of its proposed plan. In these comments, American Tower provides a few suggestions regarding further streamlining of the repacking process as well as clarifications of the assumptions underlying the Phase Scheduling Tool that will help the Commission's tools more accurately predict the repacking process timelines.

I. THE COMMISSION SHOULD TAKE STEPS TO FURTHER STREAMLINE THE REPACKING PROCESS

A. The Commission Should Take All Necessary Steps To Ensure That Stations Can Effectively Begin Planning for the Repacking as Soon as Possible

The Commission should take all available steps to ensure that stations are able to begin planning work as quickly and effectively as possible. To that end, the Commission should adopt its proposal to provide post-auction channel assignments and technical parameters to each station that will remain on the air after the Incentive Auction before the end of the auction, in order to give those stations additional time to plan for the repacking.² Providing this information as soon as possible will enable stations and their vendors to promptly begin planning work, will avoid wasting valuable time, and will ensure the repacking process concludes as quickly as possible.

In most cases, however, repack planning will require stations to coordinate with a variety of vendors, including tower owners and managers. While this type of communication is

² Public Notice at ¶ 7.

permissible under the FCC's reverse auction prohibited communications rule, some broadcasters may nonetheless decline to share this information in order to eliminate any possibility of the information being conveyed to other parties covered by the rule. In light of that, the Commission should confirm that stations can share this information with vendors who will be involved in their repacking processes. This information is critical to vendors, and the Commission should take steps to foster stations providing the information as soon as possible to those vendors. For example, as American Tower has previously explained, the company has been preparing for the repacking process by focusing on its most complicated sites first, as those sites will take the longest time to complete.³ However, under the phased repacking approach proposed in the Public Notice, it is possible that some of American Tower's more simple sites could be assigned to early phases of the transition. If that occurs, American Tower will need to pivot and shift resources based upon the phases assigned to each of its towers. Having that information as soon as possible is essential to that process.

In addition, and in order to maximize the benefit intended to flow from providing information to stations early, the Commission should adopt a blanket waiver of its prohibited communications rule – to become effective upon receipt of confidential letters – so that the information in such letters may be shared with other stations operating on the same tower. Those confidential letters can be sent only after conditions in the Incentive Auction preclude any further reverse auction bidding, so there is no practical reason to keep the rule in place after that point. Adoption of a blanket waiver to allow communication of post-auction channel assignments and other information would expedite the post-auction planning process for all parties involved, which is critical to maximizing the efficiency of the repacking coordination process.

³ Ex Parte Presentation of American Tower Corporation, GN Docket No. 12-268 (filed Aug. 31, 2016).

B. The Transition Plan Should Assign All Stations Located on the Same Tower to the Same Transition Phase

The Commission should clarify that all stations located on the same tower will be assigned to the same phase in the Transition Plan. The Public Notice recognizes that the time required to complete construction-related work for a station is greatly reduced if more than one station on the same tower is transitioning during the same phase and proposes to discount construction periods accordingly.⁴ However, the Transition Plan should go further and affirmatively require that all stations on the same tower be assigned to the same transition phase. Ensuring that all stations located on the same tower transition during the same phase will maximize efficiencies, cost savings and climber safety by eliminating the need for tower crews to work on the same tower multiple times to separately transition different stations, and allowing tower owners and managers to coordinate process for all stations located on the same tower.

C. The Bureau Should Expedite Review of Proposals that Would Facilitate Market-Wide Transitions or Reduce Repacking Costs

American Tower appreciates that the Commission is open to considering changes to the operating parameters of particular stations that could further streamline the repacking process. Specifically, the Public Notice encourages stations to propose solutions that would potentially reduce reimbursement costs or facilitate market-wide transition plans.⁵ The Commission should process any proposed changes to station operating parameters and contours on an expedited basis to ensure stations can move forward on an alternate timeline as quickly as possible. Any delays in the review process could foreclose the opportunity for stations assigned to earlier transition phases to participate in a market-wide solution that would not affect the Transition Plan, and

⁴ Public Notice, Appendix A at ¶ 50.

⁵ Public Notice at ¶ 27, n.76.

would serve the important public interest goals of reducing repacking costs and promoting an efficient and timely repack. Further, clarifying now that such proposals will be processed on an expedited basis will incentivize stations to expend resources to find the most efficient solutions for completing the repacking process, including potential market-wide transition plans, and will increase the likelihood that stations will be able to reduce repacking costs.

D. The Transition Plan Should Recognize Additional Sites as Complicated Sites Requiring Additional Time to Transition

The Transition Plan proposes to identify as “complicated” those structures that have the characteristics discussed in the Incentive Auction Procedures Public Notice, some of which are described in the Widelity Report.⁶ While the characteristics of these sites are discussed, there does not appear to be a list identifying which specific sites the Commission will treat as “complicated.” As an example, American Tower has several complicated sites in the Los Angeles market, including sites at Mount Harvard and Mount Wilson. American Tower’s Mount Harvard site (ASR No. 12113941) is a mountaintop facility with limited access and a total of nine full power and Class A operating television stations. American Tower’s Mount Wilson site (ASR Nos. 1221073 and 1013890) is also a mountaintop facility with limited access and has a total of five operating full power television stations. The Commission should afford parties a process by which to confirm that structures they consider to be complicated will, indeed, be treated by the Transition Plan as complicated.

⁶ *Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, 30 FCC Rcd 8975, 9404 ¶¶ 279-280 (2015); *Media Bureau Seeks Comment on Widelity Report and Catalog of Potential Expenses and Estimated Costs*, Public Notice, 29 FCC Rcd 2989 (2014).

II. CLARIFYING CERTAIN ASSUMPTIONS UNDERLYING THE PHASE SCHEDULING TOOL WILL RESULT IN MORE ACCURATE REPACKING TIMELINE PREDICTIONS

A. The Transition Plan Should Acknowledge that the Phased Approach Will Require Many Stations to Use Temporary Equipment

American Tower understands that, as a result of the phased repacking approach proposed in the Public Notice, approximately 75 percent to 80 percent of stations expect to require temporary facilities during the transition, either on their pre-auction or post-auction channels. The Commission acknowledges this in the Public Notice – estimating that 75 percent of stations will need to install an auxiliary antenna⁷ – but the Public Notice seems to suggest that these additional auxiliary antennas will not affect the time required for stations to transition.⁸ The Transition Plan tools should be revised to take into consideration the need for these additional facilities.

The Transition Plan should account for the additional time required to manufacture the temporary antennas⁹ as well as the increased construction time associated with installing the temporary facilities, which could impact both temporary and permanent facilities. Specifically, it is possible that the additional time required to manufacture the temporary antennas may create a backlog for antenna manufacturers. Because antenna production is a constrained resource under the Transition Plan, the need to produce a high number of auxiliary antennas could affect the timing for production of antennas for stations assigned to subsequent transition phases.¹⁰ The Commission should include stations' needs for temporary facilities into all aspects of its

⁷ Public Notice, Appendix A at ¶ 50.

⁸ Public Notice, Appendix A at ¶ 39.

⁹ Public Notice, Appendix A at ¶ 50.

¹⁰ Public Notice, Appendix A at ¶ 39.

assumptions underlying the Transition Plan to ensure the Plan accurately predicts the repacking timeline.

B. The Phase Scheduling Tool Should Account for Weather Delays

The Transition Plan should account for potential weather delays. The Public Notice notes that parties have expressed differing views regarding the impact of weather on construction,¹¹ but does not clarify what assumptions the Transition Plan makes with respect to weather. While it is generally accepted that wind significantly increases the difficulty and danger associated with tower work, some of the comments suggest that cold weather and icing do not similarly delay construction efforts.¹² American Tower disagrees, and believes that the Transition Plan should take into account the impact that winter weather can have on the construction phase. While tower crews may be able to climb a tower that is iced over to complete less complex tower maintenance tasks, they are unlikely to be able to safely climb a tower that is iced over to do rigging and to change out heavy equipment weighing thousands of pounds. Even if a crew is able to continue work during extreme winter weather, construction and installation will not occur at the same pace as they otherwise might, which will result in delays and increased costs. The Transition Plan should account for these delays to ensure it predicts the repacking timelines as accurately as possible.

C. The Transition Plan Should Reflect the Ongoing Work of Structural Engineers Throughout the Transition Process

The Transition Plan should recognize that structural engineers are in limited supply, that their services will be needed throughout the pre-construction and construction stages of the transition, and that their availability could become a constrained resource during the process.

¹¹ Public Notice at n.16.

¹² Id.

The Public Notice acknowledges that structural engineers are required to complete some planning work, but states that they are not considered a constrained resource because their work must be complete by the end of the three-month window for stations to file for construction permits.¹³ However, structural engineering work will also be required throughout the pre-construction and construction stages of the transition. For example, the zoning and permitting processes, final structural analysis, oversight of all mechanical engineering drawings, any required environmental impact assessments, rigging plans, and removal and installation work will all require work by structural engineers. The Transition Plan should consider the resulting availability of structural engineers based on this ongoing work as part of the Phase Scheduling Tool to more accurately predict the ability of stations to complete all required work on a given schedule.

D. The Transition Plan Should Acknowledge That Local Zoning Authorities, SHPOs, and Tribes Do Not Have Unlimited Resources With Which to Process Applications

The Transition Plan does not appear to account for the limited resources of local zoning authorities, state historic preservation officers (“SHPOs”), and Tribes (including Tribal historic preservation officers (“THPOs”)). The Public Notice assumes that the planning activities, including zoning and administration work, of one station are unlikely to impact the ability of other stations to perform the same activities.¹⁴ However, even if stations may be able to complete their administration work concurrently, if local zoning authorities, SHPOs, and Tribes/THPOs are inundated with multiple requests at the same time, they may not have the ability to process them in a timely manner. The Transition Plan should account for the limited

¹³ Public Notice, Appendix A at ¶ 39, n.25.

¹⁴ Public Notice, Appendix A at ¶ 40.

resources of these entities to provide a more accurate assessment of whether such reviews will have an impact on the overall timing of the transition.

E. The Transition Plan Should Take Additional Factors into Consideration in Estimating the Number of Tower Crews Available

The Transition Plan should take additional factors into consideration when estimating the number of tower crews that will be available to work on sites involved in the repacking. For example, the Public Notice states that there are 25 United States tower crews eligible to work on difficult sites.¹⁵ But the use of that number does not appear to take into account that not all of those crews may be deemed qualified to work on complicated sites by the owners of those sites, based upon their level of expertise and actual on-tower time logged. Indeed, American Tower has only approved 14 tower crews to work on its complicated sites, and it understands that other tower owners may similarly limit the number of crews they believe are qualified to work on complicated sites.

In addition, the Phase Scheduling Tool must also account for the fact that some United States crews that would otherwise be eligible to work on non-difficult sites will be occupied with work on wireless sites. Wireless facilities deployment is currently booming and shows no signs of slowing in the near future. As a result, many of the crews identified in the Public Notice may not be available for broadcast repacking work.

Finally, the Commission should clarify that the Phase Scheduling Tool does not assume that Canadian tower crews will be available to work on United States sites during the transition.¹⁶ This clarification is important because, as an example, American Tower has not at this time approved any Canadian tower crews to conduct work on its towers. Further, Canadian

¹⁵ Public Notice, Appendix A at ¶ 49 Table 11.

¹⁶ Public Notice, Appendix A at ¶ 49.

tower crews will be occupied with tower work for Canadian stations during the transition. Thus, any assumption in the Phase Scheduling Tool that those crews would be able to significantly assist in the US repack would likely not be accurate. Therefore, while Canadian crews may have a limited ability to assist in the US repack, the Phase Scheduling Tool should not assume that they will be available to work on sites in the United States during the transition.

Modifying the assumptions regarding the number of tower crews available to work on the different categories of United States sites will allow the Phase Scheduling Tool to more accurately predict the overall timeline to complete each phase of the transition.

III. CONCLUSION

The Bureau and the Task Force should adopt the slight clarifications and modifications to the Transition Plan and the underlying assumptions, as outlined above. These steps will help to ensure that the Transition Plan predicts the timelines associated with the post-Incentive Auction repacking process as accurately as possible.

Respectfully submitted,

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